

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE

IN RE: HOLIDAY HAM HOLDINGS, LLC  
Debtor

CHAPTER 11  
CASE NO. 23-23313

ANSWER AND RESPONSE OF THE SUBCHAPTER V TRUSTEE TO THE  
UNITED STATES TRUSTEE'S MOTION TO DISMISS OR CONVERT CASE  
PURSUANT TO 11 U.S.C. § 1112(b)

COMES NOW Craig M. Geno, the duly appointed Subchapter V Trustee in the above styled and numbered Chapter 11 case (the "Trustee"), and file this his Answer and Response to the *United States Trustee's Motion to Dismiss or Convert Case Pursuant to 11 U.S.C. § 1112(b)* (the "Motion") [DK #106], and, answering the allegations of the Motion paragraph by paragraph, answers and alleges as follows, to-wit:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted as to Debtor's requirements to file monthly operating reports and that there are other delinquent reports that have not been filed as of the date the Motion was filed with the Court.
6. The Trustee admits the noted authority mentioned in Paragraph 6, and admits that the lack of filing of operating reports (or their tardiness) leaves the creditors and parties-in-interest at a disadvantage.
7. Admitted.
8. Admitted.
9. Admitted, at least as of the filing of the Motion.

10. Admitted.

11. The Trustee admits that the Debtor has not fully complied with all of the requirements promulgated by the U.S. Trustee and/or the Bankruptcy Code.

Affirmatively, the Trustee notes that an auction has been scheduled for tomorrow, October 26, 2023, and a hearing to approve the purchaser at the auction is scheduled for the morning of October 27, 2023. The Trustee respectfully submits that the Court should allow the auction setting to produce (or not produce for that matter) an acceptable purchaser or purchasers of the Debtor's assets. On information and belief, the Trustee alleges that there has been some relatively significant interest, thus far, in the auction and hopes that interest will result in a reasonable offer and purchase of the Debtor's assets that are set to be auctioned. Once the auction results are in, and the sale or sales of assets are actually consummated, an evaluation of the case can occur. Now, however it is premature to convert or dismiss this case.

WHEREFORE, PREMISES CONSIDERED, the Trustee respectfully prays that upon a hearing hereof this Honorable Court will deny, at least for the time being, the Motion of the United States Trustee pending further developments in this case. The Trustee prays for general relief.

THIS, the 25<sup>th</sup> day of October, 2023.

Respectfully submitted,

CRAIG M. GENO, SUBCHAPTER V TRUSTEE

By His Attorneys,

LAW OFFICES OF CRAIG M. GENO, PLLC

By: /s/ Craig M. Geno  
Craig M. Geno

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I, Craig M. Geno, do hereby certify that I have caused to be served this date, via electronic filing transmission, a true and correct copy of the above and foregoing to the following:

Jamaal Walker, Esq.  
Office of the United States Trustee  
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THIS, the 25<sup>th</sup> day of October, 2023.

/s/ Craig M. Geno  
Craig M. Geno